Claims 1-15 and 17-44 remain pending in the instant application. All claims presently stand rejected. Claims 1, 6, 19, and 28-33 are amended herein. Claim 16 is hereby cancelled without prejudice. Entry of this amendment and reconsideration of the pending claims are respectfully requested.

Claim Objections

Claims 1, 6, and 19 stand objected to for various reasons. Accordingly, claims 1, 6, and 19 have been amended to address the Examiner's concerns.

Claim Rejections – 35 U.S.C. § 101

Claims 28-33 stand rejected under 35 USC 101 as directed to non-statutory subject matter. Accordingly, claims 28-33 have been amended to recite, "A **tangible** machine-readable **storage** medium…" Furthermore, the specification has been amended to remove the offending language from paragraph [0198].

Claim Rejections – 35 U.S.C. § 103

Claims 1, 5-9, 19, and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rouskas ("Optical Network Engineering") in view of Microsoft TechNet ("Virtual Private Networking: An Overview."

Claims 34-44 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rouskas in view of Microsoft TechNet in view of Sahara et al. ("Demonstration fo Optical Burst Data Switching Using Photonic MPLS Routers Operated by GMPLS Signaling") in further view of Proudler (US 2003/0110372).

"To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. All words in a claim must be considered in judging the patentability of that claim against the prior art." M.P.E.P. § 2143.03.

Amended independent claim 1 now recites, in pertinent part,

> distributing, for said destination edge node, the encryption key to a source edge node in the OS network, **wherein the encryption key is included within a control burst containing information to reserve network**

> **resources to form a virtual lightpath between the destination and source edge nodes;**
>   ...
>   sending the data along the virtual lightpath between the source and destination edge nodes, the virtual lightpath spanning at least one lightpath segment; and

Applicants respectfully submit that the combination of Rouskas and Microsoft TechNet fails to disclose, teach, or suggest distributing encryption keys within control bursts of an optical-switched network used to reserve network resource and form virtual lightpaths between edge nodes.

To be sure, Rouskas discloses the use of VPNs over optical networks to provide point-to-point links between the endpoints of the VPN tunnel. However, the Office Action acknowledges that Rouskas fails to teach or suggest generating security keys. Accordingly, the Office Action cites Microsoft TechNet as teaching this missing element.

While Microsoft TechNet discloses the use of private and public keys for secure communication over networks, Microsoft TechNet fails to disclose any details on how security keys may be implemented or used in an optical-switched network environment. In fact, Microsoft TechNet fails to make any mention of optical-switched networks and certainly fails to teach or suggest including an encryption key within a control burst containing information to reserve network resources to form a virtual lightpath between edge nodes of an optical-switched network. **In short, the combination of Rouskas and Microsoft TechNet fails to disclose, teach, or suggest using control bursts for establishing virtual lightpaths between edge nodes of an optical-switched network to distribute security keys.**

With respect to cancelled claim 16, the Office Action cited pages 301 and 302 and FIG. 10.1 of Rouskas as disclosing using control signals for sending security keys. However, Applicants have reviewed these pages of Rouskas and can find no mention of security keys or any security information being distributed within a control burst used to establish virtual lightpaths between edge nodes. Applicants respectfully request that the Examiner point out the specific sentences being relied upon to teach the recited security features.

Regarding claims 34-44, references Sahara and Proudler also fail to teach or suggest the above identified elements missing from Rouskas and Microsoft TechNet.

Consequently, the combination of Rouskas, Microsoft TechNet, Sahara, and Proudler fails to teach or suggest all elements of claim 1, as required under M.P.E.P. § 2143.03. Independent claims 19, 28, and 34 include similar nonobvious elements as independent claim 1. Accordingly, Applicant requests that the instant §103(a) rejections of claims 1, 19, 28, and 34 be withdrawn.

The dependent claims are nonobvious over the prior art of record for at least the same reasons as discussed above in connection with their respective independent claims, in addition to adding further limitations of their own. Accordingly, Applicant respectfully requests that the instant § 103 rejections of the dependent claims be withdrawn.

CONCLUSION

In view of the foregoing amendments and remarks, it is believed that the applicable rejections have been overcome and all claims remaining in the application are presently in condition for allowance. Accordingly, favorable consideration and a Notice of Allowance are earnestly solicited. The Examiner is invited to telephone the undersigned representative at (206) 292-8600 if the Examiner believes that an interview might be useful for any reason.

CHARGE DEPOSIT ACCOUNT

It is not believed that extensions of time are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a). Any fees required therefore are hereby authorized to be charged to Deposit Account No. 02-2666. Please credit any overpayment to the same deposit account.

Respectfully submitted,

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Date: January 18, 2008

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